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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,096	05/23/2001	Mark Bernard Hettish	2001 P 09459 US	2448

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Siemens Corporation
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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
2642	3

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,096

Applicant(s)

HETTISH, MARK BERNARD

Examiner

Rasha S AL-Aubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 7-9 and 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitations in claims 7-9 and 19-22 appear to be referring to previously cited features but they are not.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel, III et al (US PAT # 4,972,453) in view of the admitted prior art.

Regarding claim 1, Daniel teaches a PBX switch (reads on 114 and 105 in Fig. 1), a computing platform (this may read on computer 122, see Fig.1, col.3,

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lines 19-27) coupled to the PBX switch (114 and 105 in Fig.1); and component based interface objects (this may read on the expert system that invokes testing procedure, see abstract) running on said computing platform said component based interface objects defining properties, methods, and events, said properties, methods and events being mapped to control substantially every event and service of said PBX switch.

Daniel does not specifically teach the use of a control interface for controlling CSTA protocols. However, this feature is old and well known as admitted by applicant specification page 3, lines 1-3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the old and well-known CSTA protocol in Daniel because using an old and available protocol such as the CSTA protocol does not rise to the level of patentability.

Claim 13 is rejected for the same reasons as discussed above with respect to Claim 1.

Regarding claims 2 and 14, said component based interface objects is ActiveX (this is admitted prior art, see application specification page 3, lines 3-4).

Regarding claims 3-4 and 15-16, ActiveX includes properties are mapped

One
(1) Note that the limitation only appears in the preamble.

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to session configuration (this is admitted prior art, see application specification page 3, lines 3-4).

Regarding claims 5 and 17, ActiveX methods and events are mapped to startup and teardown a connection to the PBX switch. Daniel teaches Decision block 709 checks a number of special situations where stable calls could be dropped or disconnected if the diagnostic portion of PROC 620 is executed, (see col.10, lines 41-52).

Regarding claims 6 and 18, substantially all CSTA and private data fields are supported (CSTA protocol is old and well-known as admitted in Daniel's specification).

Regarding claims 7-8 and 19-20, invoke ID generation and timing is automatic and configurable (this is obvious).

Regarding claims 9 and 21, heartbeat messages and replies are automatically generated. Generating automatic message reply is obvious and well known in the art.

Regarding claims 10 and 22, regarding the claimed heartbeat messages and replies being configurable, this should be obvious because Daniel's system is not meant to be fixed and permanent.

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Regarding claims 11 and 23, Daniel teaches statuses and errors are logged (this reads on the executing the diagnostic routines checking for fault conditions, see col.3, lines 23-28), for having those features logged automatically this will be obvious.

Regarding claims 12 and 24, Daniel teaches that statuses and errors are viewable via ActiveX property pages (this reads on block 211 in Fig.2 and col.6, lines 52-58).

Double Patenting

3. Claims 1-24 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Applications No. 09/864,009, 09/864,057 and 09/855,912. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims in the instant application and in the copending application^s recite a control interface, a computing platform and a component based interface objects. However, the computing platform is performing different functions. It would have been obvious to have the computing platform perform any desired functions within the PBX system.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baker, Jr. et al (US PAT # 4,805,209) teaches host computer 3 (Fig.1) are coupled to CBX 1 (Fig.1) to enhance the Branch Exchange features (see abstract).

Krawiec et al (US PAT # 5,999,593) teaches computer telephony interface connected to PBX (see abstract).

Schwartz et al (US PAT # 6,049,603) teaches method for eliminating telephone hold time (see abstract).

Schlossman et al (US PAT # 5,734,705) teaches intelligent configuration server for PBX (see abstract).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha Al-Aubaidi

1/27/2004


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
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